IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1184 OF 2004

Mahitab Mahamud Bhaijan ... Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. S.V. Marne for the petitioner.
Mr. S.R. Nargolkar, Assistant Government Pleader, for the respondents.

CORAM: **V.G. PALSHIKAR, Ag. C.J., &**
V.M. KANADE, J.

DATE: **JULY 19, 2006**.

P.C.

By this petition, the petitioner has questioned the order dated 9th October, 2003, passed by respondent No.3 by which the certificate that the petitioner is a project affected person was cancelled. A statutory appeal is provided against this order and accordingly it was filed before respondent No.2. However, respondent No.2 by his order dated 29th December, 2003, held that the appeal virtually amounts to review of the earlier order and the grounds raised in the appeal are the same which were raised in the earlier appeal. The appeal has not been decided on merits. Interest of justice, therefore, requires that the order dated 29th December, 2003, is required to be set aside as the same is

unsustainable in law. The matter is, therefore, remitted back to respondent No.2 for deciding the appeal on merits in accordance with law as early as possible. Till the decision in appeal is communicated to the petitioner, no adverse action be taken against the petitioner. Petition is accordingly disposed of.